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10/078,605

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Michael John Branson

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IBM CORPORATION, INTELLECTUAL PROPERTY LAW  
DEPT 917, BLDG. 006-1  
3605 HIGHWAY 52 NORTH  
ROCHESTER, MN 55901-7829

EXAMINER

BHATIA, AJAY M

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* MICHAEL JOHN BRANSON, MELISSA SUE FICHTINGER,  
LEAH ELIZABETH HAUSE, GREGORY RICHARD HINTERMEISTER,  
ERIK DUANE LINDBERG, DIANE ELAINE OLSON,  
NEELA SHARAD PATEL, DEVAUGHN LAWRENCE RACKHAM,  
and BRENT GORDEN TANG

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Appeal 2008-0109  
Application 10/078,605  
Technology Center 2100

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Decided: October 29, 2008

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Before JAMES D. THOMAS, JOSEPH L. DIXON,  
and JAY P. LUCAS, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

In a paper filed on July 2, 2008, Appellants request that we rehear our decision dated May 2, 2008, wherein we affirmed the Examiner's rejection

of all claims on appeal under 35 U.S.C. § 103. The above-noted panel only recently received this Request for decision.

Appellants' appear to take three basic positions that our prior decision did not reflect a full appreciation of the arguments presented on appeal. With this position we strongly disagree.

In rendering our prior decision, we were mindful of the required limitation concerning required fields of product information in the determining and abstracting clauses that were argued in the principal Brief on appeal. Matson's figure 1 shows one embodiment of a system of the invention, where figure 2 shows the data importation pre-processing phase, with which most of the discussion has occurred. According to the assessment of the prior art and the summary of the invention at columns 1 and 2 of Matson, an aim of this invention is to format otherwise different formatted information into a common set of product information for later business-to-business processing. The discussion includes mapping formats. Even Appellants' partial reproduction of figure 2 of Matson at page 4 of the Request in part illustrates the intent or aim of Matson of the need to have common or otherwise required fields of associated product information.

We do not agree with Appellants' assertion that Matson indiscriminately parses every field without the prior determination of the presence of required fields. According to the reasoning set forth in our earlier opinion as well as our earlier remarks in this opinion, there is no alleged indiscrimination (Request at 4) on the part of Matson in parsing every field in his functionality. This in a sense is an admission that Matson

may be construed as meeting the “only if” requirement of the abstracting clause argued. Moreover, the data import insert phase in figure 3, to which we made mention in the paragraph bridging pages 5 and 6 of our prior decision, clearly illustrates to the artisan the need to insert various parameters in the database to include missing attributes as needed. The artisan may well understand that this capability may be done before the pre-processing phase in figure 2 and, even to the extent it may be interpreted as occurring in the figure 3 after the functionality in figure 2, the necessity of requiring later in time common data formats is self evident to the artisan. Moreover, figure 3 may also be interpreted by the artisan as meeting the determining clause for later processing in time through the functionality of figure 2 as well. Clearly, within 35 U.S.C. § 103, the artisan would understand that an implied comparison with respect to certain indefinable mapping rules must be utilized to determine whether certain data elements must be inserted or otherwise may be characterized as missing in the received data from a supplier, for example.

The manner in which Appellants address the second feature of parsing at pages 4 and 5 of the Request for Rehearing appears to be taken out of context from our original discussion in the prior decision and may be construed as somewhat misleading. The discussion in the paragraph bridging pages 3 and 4 of our prior decision in part makes the point, admitted at page 5 of the Request, that parsing may be generally construed as teaching abstracting to the extent that feature is claimed. On the other hand, we recognize that our remarks at the middle of page 4 of our prior decision may be misconstrued by the reader. Nevertheless, the subsequent

discussion through the full paragraph at page 5 of our prior decision illustrates the thinking processes or line of reasoning that we believe the artisan would have gone through in understanding the teaching value of Matson compared to the claimed invention.

Lastly, Appellants apparent third point, that we have based our conclusion to affirm the Examiner's rejection on an erroneous understanding of this reference at pages 5 and 6 of the Request, is incorrect. The discussion at this portion of the Request is based upon an improper premise that the teaching at column 5, lines 22 and 23 mentioned at the top of page 4 of our prior decision relating to the conversion to XML 211 in figure 2 is an automatic process that may be performed after simple differential analysis 205 in that figure. It remains our reasoned conclusion that the artisan would understand the conditional relationship between the steps 205 and 211 because of the use of the word "after" in the discussion mentioned at column 5, lines 22 and 23. It is interesting to note that Appellants' discussion with respect to this third alleged error makes no mention of our discussion in the full paragraph at page 5 of our prior decision relating the time sequential analysis that we believe the artisan would understand from the noted teachings. Thus, we believe that, as stated in Matson, the artisan would have characterized the parsing that occurs in step 211 as according some teaching value of the reference being conditional upon anything that occurs in step 205. We note further that according to our partial reliance upon the differential analysis block 217 in the middle of page 5 of our prior decision, Matson indicates at column 6, lines 50 through 52 that this "differential

analysis process 217 processes delta datasets in a different fashion. Such datasets only identify new, changed, and deleted products.”

In view of the foregoing, Appellants’ Request for Rehearing is granted to the extent we have, in fact, reviewed our findings but is denied as to making any change therein.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. §1.136(a). See 37 C.F.R. § 1.136(a)(1)(iv).

DENIED

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